

**UTILITIES DIVISION[199]**

**Adopted and Filed**

**Rule making related to electric vehicle charging service**

The Utilities Board hereby amends Chapter 20, “Service Supplied by Electric Utilities,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 476.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 476.1 and 476.26.

*Purpose and Summary*

On November 12, 2019, the Iowa Administrative Rules Review Committee (ARRC) considered the Board’s adoption of rule 199—20.20(476) as published in **ARC 4720C** (IAB 10/23/19). By a vote of six to three, the ARRC voted to object to rule 199—20.20(476).

The Board initiated this rule making with the intent of adopting an electric vehicle charging services rule that does not contain the defects identified by the ARRC. On April 7, 2021, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2020-2020.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 4, 2020, as **ARC 5267C**. The Board conducted an oral presentation on December 21, 2020, at 1 p.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. MidAmerican Energy Company, Interstate Power and Light Company, the Iowa Association of Municipal Utilities, and the Iowa Association of Electric Cooperatives spoke in favor of the rule as published in the Notice. Iowa 80 Truckstop, Inc., stood by its written comments, in which it stated it does not object to the adoption of the rule as published in the Notice. The Sierra Club, Iowa Chapter, expressed support for current rule 199—20.20(476) and requested the Board terminate this rule making. The Office of the Consumer Advocate, a division of the Iowa Department of Justice; ChargePoint, Inc.; the Iowa Business for Clean Energy; the Environmental Law & Policy Center; and the Iowa Environmental Council each spoke in favor of changes to the version of rule 199—20.20(476) as published in the Notice.

In addition to the written comment deadline contained in the Notice, the Board allowed the public to file additional written comments following the oral presentation. MidAmerican Energy Company, Interstate Power and Light Company, the Iowa Association of Municipal Utilities, and the Iowa Association of Electric Cooperatives submitted comments in favor of the rule as published in the Notice. Iowa 80 Truckstop, Inc., submitted a written comment stating it does not object to the adoption of the rule as published in the Notice. The Sierra Club, Iowa Chapter, and the Winneshiek Energy District submitted comments in support of the current rule 199—20.20(476). The Office of the Consumer Advocate, a division of the Iowa Department of Justice; ChargePoint, Inc.; the Iowa Business for Clean Energy; the Environmental Law & Policy Center; the Iowa Environmental Council; and the Linn Clean Energy District each filed comments in which they requested changes to the version of rule 199—20.20(476) as published in the Notice.

No changes from the Notice have been made.

### *Adoption of Rule Making*

This rule making was adopted by the Board on April 7, 2021.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

No waiver provision is included in these amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on June 9, 2021.

The following rule-making action is adopted:

Rescind rule 199—20.20(476) and adopt the following new rule in lieu thereof:

#### **199—20.20(476) Electric vehicle charging service.**

**20.20(1)** A commercial or public electric vehicle charging station is not a public utility under Iowa Code section 476.1 if the charging station receives all electric power from the electric utility in whose service area the charging station is located. If an electric vehicle charging station obtains electric power from a source other than the electric utility, the determination of whether the commercial or public electric vehicle charging station is a public utility shall be resolved by the board.

**20.20(2)** A person, partnership, business association, or corporation, foreign or domestic, furnishing electricity to a commercial or public electric vehicle charging station shall comply with Iowa Code section 476.25 and, if applicable, with the terms and conditions of the public utility's tariffs or service rules.

**20.20(3)** A rate-regulated public utility shall not, through its filed tariff, prohibit electric vehicle charging or restrict the method of sale of electric vehicle charging at a commercial or public electric vehicle charging station.

**20.20(4)** Electric utilities and entities providing commercial or public electric vehicle charging service shall comply with all applicable statutes and regulations governing the provision of electric vehicle charging service, including but not limited to all taxing requirements, and shall, if necessary, file all appropriate tariffs.

[Filed 4/8/21, effective 6/9/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/21.